

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

BRIAN PERRON,)	
)	
)	
Plaintiff,)	Case No. 08 CV 2757
v.)	
)	Judge Robert M. Dow, Jr.
COUNTY of DUPAGE (Personal Cap.),)	
SHERIFF ZARUBA (Personal Cap.),)	Magistrate Judge Keys
CHIEF LAVERY (Personal Cap.))	
)	
Defendants.)	
)	

MOTION FOR ENLARGEMENT OF TIME TO FILE RESPONSIVE PLEADINGS

NOW COMES the Defendant, GARY LAVERY, by and through his attorney, Joseph E. Birkett, DuPage County State's Attorney, and his assistants, Paul F. Bruckner and Thomas F. Downing, and respectfully move this Court for an enlargement of time to file responsive pleadings, and in support thereof states as follows:

1. Plaintiff has filed a Complaint purporting to assert claims against several Defendants, including Defendant herein.
2. Defendant, GARY LAVERY, named herein as "Chief Lavery (Personal Cap.)" was served by the U.S. Marshal on July 1, 2008 and his responsive pleadings are therefore due to be filed on or before July 21, 2008.
3. The remaining Defendants, THE COUNTY OF DUPAGE and SHERIFF ZARUBA, were sent Waivers of Service of Summons, and their responsive pleadings are due to be filed on or before July 28, 2008.

4. Assistant State's Attorney Paul F. Bruckner has been assigned to handle the case on behalf of all defendants, THE COUNTY OF DUPAGE, SHERIFF ZARUBA, and GARY LAVERY (Chief Lavery).

5. GARY LAVERY is no longer employed as a DuPage County Deputy Sheriff and is no longer the Chief of the Corrections Bureau for the DuPage County Sheriff, and ASA Bruckner requires some additional time to speak to former Chief Lavery to investigate the matter.

6. In the interest of economy, and in order to adequately investigate and respond to the Complaint, Defendant requests an additional 7 days, until July 28, 2008, for this Defendant to file responsive pleadings. As indicated above, July 28, 2008 is the date for the other two Defendants are to file responsive pleadings.

7. This represents this Defendant's first request for enlargement of time to complete responsive pleadings and is not brought to delay this matter, but to adequately defend this action.

WHEREFORE, for the foregoing reasons, Defendant, GARY LAVERY, named herein as "Chief Lavery (Personal Cap.)", respectfully prays for an enlargement of time, to July 28, 2008, for this Defendant to file responsive pleadings in this matter.

Respectfully submitted,

JOSEPH E. BIRKETT
DuPage County State's Attorney
By: s/ PAUL F. BRUCKNER
PAUL F. BRUCKNER
Assistant State's Attorney

JOSEPH E. BIRKETT
DuPage County State's Attorney
By: Paul F. Bruckner, A.S.A.
Attorney No. 6206660
503 N. County Farm Road
Wheaton, Illinois 60187
630/407-8200

CERTIFICATE OF SERVICE

TO: Brian Perron #167203
DuPage – DCJ
P.O. Box 957
Wheaton, IL 60187

The undersigned being first duly sworn upon oath states that:

On the 21st day of July, 2008, I served a copy of our APPEARANCES, MOTION FOR ENLARGEMENT OF TIME TO FILE RESPONSIVE PLEADINGS and NOTICE OF MOTION, according to Fed.R.Civ.P. 5(a), by mailing a copy to Brian Perron at the above-named address, and depositing the same in the U.S. Mail in Wheaton, Illinois with the proper postage prepaid.

s/PAUL F. BRUCKNER
Assistant State's Attorney

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